

**RESTATED ORDER #5 OF THE CHIEF MEDICAL OFFICER OF HEALTH UNDER
SECTION 32 of the *HEALTH PROTECTION ACT* 2004, c. 4, s. 1.**

February 28, 2022

Decision Log:

February 28, 2022: Sections 1-4, 4.5, 4.6, 4.8, 6, 7, and 7.7-7.13 (amended)

- TO:**
- 1.) All persons residing in or present in the Province of Nova Scotia;**
 - 2.) All not-for-profit and for-profit businesses and organizations operating or carrying on business in Nova Scotia;**
 - 3.) Such other persons or entities as may be identified by the Chief Medical Officer of Health or otherwise as set out in this Order.**

ORDER made pursuant to Section 32 of the *Health Protection Act* (Nova Scotia)

WHEREAS Section 32 of the *Health Protection Act* states:

32 (1) Where a medical officer is of the opinion, upon reasonable and probable grounds, that:

- (a) a communicable disease exists or may exist or that there is an immediate risk of an outbreak of a communicable disease;
- (b) the communicable disease presents a risk to the public health; and
- (c) the requirements specified in the order are necessary in order to decrease or eliminate the risk to the public health presented by the communicable disease,

the medical officer may by written order require a person to take or to refrain from taking any action that is specified in the order in respect of a communicable disease.

WHEREAS COVID-19 has been identified as a communicable disease that presents a risk to public health as defined under s.4(b) of the *Health Protection Act*, and;

WHEREAS I am the Chief Medical Officer of Health for the Province of Nova Scotia and am of the opinion, upon reasonable and probable grounds, that

- (a) a communicable disease (COVID-19) exists; and that there is an immediate risk of an outbreak of the communicable disease;

(b) the communicable disease presents a risk to the public health; and

(c) the requirements specified in the order are necessary to decrease or eliminate the risk to the public health presented by the communicable disease, and;

WHEREAS as the Chief Medical Officer of Health, I have determined it necessary to issue this Order to the Class of Persons to decrease the risk to public health presented by COVID-19.

Please be advised that:

I, Dr. Robert Strang, Chief Medical Officer of Health, **order** the following:

PART I DEFINITIONS

1. In this Order,

“Adult Day Program” means a planned program of activities in a professional care setting designed for older adults or persons with disabilities who require supervision during the day, or those who are isolated and lonely. Adult day care centers enable seniors and persons with disabilities to socialize and enjoy planned activities in a group setting, while still receiving needed health services. At the same time, they offer family caregivers respite from caregiving duties while knowing that their loved one is in a safe place.

“before and after school program” means a program that:

(a) provides before and after school care for children in pre-primary to Grade 6;

(b) operates onsite in schools, or offsite in community or private facilities with children being transported to and/or from school by either school bus or transportation provided by the organization;

(c) begins before the core school day starts in the morning and/or directly after the core school day ends, until at least 5:00 p.m., and is normally offered 5 days per week for the entirety of the school year; and

(d) is operated or contracted by a regional centre for education (RCE), the Conseil scolaire acadien provincial (CSAP), school, community, or private organization.

“enclosed” insofar as a public place means a public place that is surrounded or closed off on one or more sides.

“formal gatherings” means but is not limited to festivals, special events, social gatherings, regular faith services, wedding ceremonies, funeral ceremonies and visitation, receptions, meetings and training, arts and culture events, sports, recreation and physical activity events, and theatres (excluding movie theatres).

“fully vaccinated” means receipt of 1 dose of a vaccine authorized as a 1 dose vaccine series such as Janssen plus 14 days, or 2 doses of a vaccine authorized as a 2 dose vaccine series such as Pfizer, Moderna or AstraZeneca plus 14 days (mixed series acceptable), a complete series of any other World Health Organization authorized series of COVID-19 vaccine such as Covaxin, Sinopharm or Sinovac plus 14 days, or a single dose of a WHO authorized vaccine and a single dose of a Health Canada authorized vaccine plus 14 days.

“fraudulent proof of vaccination” means the falsification of proof of vaccination documentation that does not comply with the requirements set out in the COVID-19 Protocol for Proof of Full Vaccination for Events and Activities, located at: <https://novascotia.ca/coronavirus/docs/COVID-19-Protocol-for-proof-full-vaccination-events-activities-en.pdf>.

“health care workers” means individuals who provide health care or support services, such as nurses, physicians, dentists, paramedics, allied health professionals, unregulated healthcare providers, clinical instructors and students, volunteers, and housekeeping staff in health care settings, pharmacists, pharmacy technicians, pharmacy interns and pharmacy students.

“health care settings” means all hospitals as defined by the Hospitals Act; long-term care facilities licensed under the Homes for Special Care Act; privately-operated care facilities for seniors, along with independent or assisted living services for seniors; homes licensed by the Minister of Community Services under the Homes for Special Care Act; health authority as defined in the Health Authorities Act; home care agency funded under the Homemaker Services Act; privately-operated home care services and agencies; emergency health services, ambulance services and communications centre as defined in the Emergency Health Services Act; and organizations primarily funded by the Minister of Community Services that provide residential placements and supervision to, including participants of the Disability Support Program (Temporary Shelter Arrangements, Independent Living Support and Supervised Apartments) and Children and youth in the care of the Minister of Community Services under the Children and Family Services Act; physicians providing care in the community, including family, pediatricians and other specialists; and pharmacies and pharmacy immunization clinics.

“household contact” means an individual who has been exposed to a person diagnosed with COVID-19 and was living in the same household as the diagnosed person during the diagnosed person’s infectious period, regardless of their ability to effectively isolate away from the diagnosed person.

“illegal in-person gathering” means an in-person gathering that does not comply with the gathering restrictions of this Order, including the attendance limits applicable to indoor and outdoor in-person gatherings, proof of full vaccination for non-essential events and activities as set out in the COVID-19 Protocol for Proof of Full Vaccination for Events and Activities, located at: <https://novascotia.ca/coronavirus/docs/COVID-19-Protocol-for-proof-full-vaccination-events-activities-en.pdf>, and masking requirements.

“informal in-person gathering” means a gathering of persons except where hosted by a business or organization.

“mask” means a commercial medical or non-medical mask or a home-made mask made as per the PHAC instructions located at: <https://www.canada.ca/en/public-health/services/diseases/2019-novel-coronavirus-infection/prevention-risks/sew-no-sew-instructions-non-medical-masks-face-coverings.html>, that covers the nose and mouth.

“not fully vaccinated” means no receipt of any vaccine dose or receipt of 1 dose of a vaccine authorized as a 2 dose vaccine series.

“non-household contact” means an individual who has been exposed to a person diagnosed with COVID-19 during the diagnosed person’s infectious period but does not live in the same household as the diagnosed person, and for greater certainty does not include interactions that occur only within a school setting.

“organization” means:

(a) a public body, body corporate, society, company, firm, partnership, trade union or municipality, or

(b) an association of persons that:

(i) is created for a common purpose,

(ii) has an operational structure, and

(iii) holds itself out to the public as an association of persons.

“proof of vaccination” means documentation issued by the Government of Canada, a Provincial or Territorial Government or government of another country other than Canada, or their delegate that sets out a person’s vaccination status of being fully vaccinated and includes:

(a) the person’s name;

(b) the brand name of vaccine received;

(c) indication that the person received all required doses for the vaccine;
and

(d) the date on which the person received their final vaccine dose.

“public place” means the part of the following places accessible to the public, insofar as it is enclosed:

(a) a retail business, a shopping centre, or a building or room of a business where personal care services are provided;

(b) a food establishment or a liquor licensed establishment, including the kitchen and preparatory space of a food establishment or a liquor licensed establishment;

(c) a place of worship or faith gathering;

(d) a place where activities or services of a cultural or entertainment nature are offered;

(e) a place where sports are played, fitness, recreational or leisure activities are carried on;

(f) a rental hall or other place used to hold events, including conventions and conferences, or to hold receptions;

(g) a place where municipal or provincial government services are available to the public;

(h) a common area, including an elevator, of a tourist accommodation establishment;

(i) a lobby, reception area or elevator in an office building;

(j) a common area or public space on a university or college campus;

(k) a train or bus station, a ferry terminal, or an airport;

(m) common areas of a multi-residential building;

(n) all common areas of municipal and provincial government, and private indoor workplaces;

(o) municipal and provincial government, and private indoor workplaces where:

(i) there are interactions with the public;

(ii) there are areas with poor ventilation; or

(iii) physical distancing cannot be achieved.

“retail business” means a business operating on an ongoing basis at a fixed location primarily selling goods or products for use or consumption by individual purchasers.

“self-isolate” means the requirement of any person who has COVID-19 to remain separate from others in such places and under such conditions to prevent or limit the direct or indirect transmission of COVID-19.

“self-quarantine” means the requirement of any person who has been exposed or may have been exposed to COVID-19 during its period of communicability to restrict that person’s activities in order to prevent disease transmission during the incubation period for this disease.

“serious adverse event” means an event that is life-threatening, requires in-patient hospitalization or prolongs an existing hospitalization, results in persistent or significant disability/incapacity, or in a congenital anomaly/ birth defect.

“vaccine” means a vaccine against COVID-19 that has been approved by either the Public Health Agency of Canada or the World Health Organization.

“Valid Medical Contraindication for COVID-19 Vaccination letter” means a letter completed and signed by a person’s physician or nurse practitioner attesting that the person (their patient) has a valid medical contraindication from receiving the vaccine, and the effective time period for the medical contraindication.

“Valid Medical Contraindication” means one of the following medical reasons that a person cannot receive a vaccine:

- (a) a history of severe allergic reaction (e.g. anaphylaxis) after previous administration of a COVID-19 vaccine using a similar platform (mRNA or viral vector);
- (b) an allergy to any component of the specific COVID-19 vaccine or its container (polyethylene glycol for the Pfizer-BioNTech and the Moderna vaccines);
- (c) a history of major venous and/or arterial thrombosis with thrombocytopenia following vaccination with the AstraZeneca COVID-19 vaccine;
- (d) a history of capillary leak syndrome following vaccination with the AstraZeneca vaccine;
- (e) a history of myocarditis and/or pericarditis after a first dose of an mRNA COVID-19 vaccine (Pfizer-BioNTech or Moderna); or

(f) experienced a serious adverse event after receiving a first dose of COVID-19 Vaccine.

“vehicles providing transportation to the public” means:

(a) any municipally operated public transit, including municipally operated buses and ferries;

(b) any public passenger vehicle licensed under the *Motor Carrier Act*, including community transit vehicles, commercial vehicles (shuttle vans), and vehicles providing charters and/or tours;

(c) any school buses licensed under the *Motor Carrier Act* and any vehicles of any capacity operated by private schools recognized by the Minister of Education and Early Childhood Development;

(d) commuter vehicles and courtesy vehicles as defined under the *Motor Carrier Act*, vans, mini-buses, or buses of any passenger capacity providing services to the public;

(e) any vehicles serving residents and staff of facilities listed in section 20.1; and

(f) taxicabs regulated by municipalities under the authority of the *Motor Vehicle Act*.

PART II ENTRY, ISOLATION AND QUARANTINE REQUIREMENTS

2. Effective 12:01a.m. February 28, 2022, persons travelling to Nova Scotia from outside Canada:

(a) may enter Nova Scotia if they are eligible to enter Canada in accordance with the Federal Orders in Council 2022-0042 and 2022-0041, as amended;

(b) who are fully vaccinated (the “fully vaccinated person”) as set out in the Federal Orders in Council 2022-0042 and 2022-0041 are not required to self-quarantine on arrival in Nova Scotia; and

(c) who are not fully vaccinated are required to self-quarantine on arrival in Nova Scotia in accordance with Federal Quarantine requirements.

2.1. An employer or contractor of any Temporary Foreign Worker entitled to enter Nova Scotia pursuant to the Federal Orders in Council 2022-0042 and 2022-0041, as amended, must first, before the Temporary Foreign Worker enters Nova Scotia, satisfy me, as Chief Medical Officer of Health, that the employer or contractor has made

adequate provision for compliance with the Federal Quarantine requirements applicable to the Temporary Foreign Workers in the Agriculture and Seafood Sector.

2.2 In addition, the employer or contractor and the Temporary Foreign Worker must, for the duration of the entire work period in Nova Scotia:

- (a) adhere to all applicable terms and conditions of this Order; and
- (b) adhere to the COVID-19 Protocol for Temporary Foreign Workers employed in Agriculture and Seafood Sectors established by the Chief Medical Officer of Health, located at: <https://novascotia.ca/coronavirus/docs/COVID-19-Protocol-for-temporary-foreign-workers-agriculture-and-seafood-sectors-en.pdf>.
- (c) comply with any direction issued by me, as Chief Medical Officer of Health, or a Medical Officer of Health with respect to the Temporary Foreign Worker and their employment in Nova Scotia.

2.3 For greater certainty, a Temporary Foreign Worker in the Agriculture and Seafood Sector, on arrival in Nova Scotia, is required to quarantine in accordance with the Federal Quarantine requirements unless they are assessed as exempt from quarantine in accordance with Federal Order in Council 2022-0042.

3. Effective 12:01a.m. February 28, 2022 the following requirements apply to all persons residing in or present in Nova Scotia:

- (a) fully vaccinated persons or persons aged 11 or younger diagnosed with COVID-19:
 - (i) must self-isolate on the first day of symptoms, testing or diagnosis, and continuing thereafter for 7 consecutive days following onset of symptoms or positive diagnosis of COVID-19 or as directed by a Medical Officer of Health; and
 - (ii) may leave self-isolation after 7 consecutive days if they no longer have symptoms or their symptoms are improving (including no fever for at least 24 hours),
- (b) not fully vaccinated persons or immunocompromised persons diagnosed with COVID-19:
 - (i) must self-isolate on the first day of symptoms, testing, or diagnosis, and continuing thereafter for 10 consecutive days following onset of symptoms or positive diagnosis of COVID-19 or as directed by a Medical Officer of Health; and

(ii) may cease self-isolation after 10 consecutive days if they no longer have symptoms or their symptoms are improving (including no fever for at least 24 hours),

(c) symptomatic persons who are identified as a household close contact of a person who has been diagnosed with COVID-19:

(i) must self-quarantine immediately;

(ii) must get tested for COVID-19 immediately and repeat testing 72 hours from the diagnosed person's specimen collection date for testing;

(iii) may exit self-quarantine if they have received negative COVID-19 test result(s) in accordance with Public Health Guidelines and their symptoms are improving (including no fever for at least 24 hours),

but

(iv) who do not get tested for COVID-19 must self-quarantine for 7 consecutive days from the date of their own symptom onset;

(d) asymptomatic persons who are identified as a household close contact of a person who have been diagnosed with COVID-19:

(i) must self-quarantine immediately;

(ii) must get tested for COVID-19 72 hours from the diagnosed person's specimen collection date for testing;

(iii) must not exit self-quarantine unless they have received negative COVID-19 test result(s) in accordance with Public Health Guidelines,

but

(iv) who do not get tested for COVID-19 must self-quarantine for 7 days from the diagnosed person's specimen collection date for testing.

(e) symptomatic persons who are identified as a non-household contact of a person who have been diagnosed with COVID-19:

(i) must self-quarantine immediately;

(ii) must get tested for COVID-19 immediately and repeat testing at 72 hours after their last exposure to the person who has been diagnosed with COVID-19;

(iii) must not exit self-quarantine unless they have received negative COVID-19 test result(s) in accordance with Public Health Guidelines and their symptoms are improving (including no fever for at least 24 hours),

but

(iv) who do not get tested for COVID-19 must isolate for 7 consecutive days from their own symptom onset date;

(f) asymptomatic persons who are identified as a non-household close contact of a person who has been diagnosed with COVID-19:

(i) must enter modified self-quarantine in accordance with Public Health Guidelines immediately;

(ii) must get tested for COVID-19 72 hours after their last exposure to the person who has been diagnosed with COVID-19;

and until they receive negative COVID-19 test result(s) in accordance with Public Health Guidelines,

(iii) except to go to work, school or childcare, must remain in their residence or residence grounds and otherwise remove themselves from the presence of others in public while they may be infectious during the quarantine period;

(iv) must work from home if possible;

(v) must practice physical distancing and must wear a 3-layered mask (except while eating or drinking) that is properly fitted when at work or school; and

(vi) may only engage in other essential activities (purchase groceries or pharmacy prescriptions) outside of their residence if they have no other option to have these activities performed,

but

(vii) who do not get tested for COVID-19 must continue to their modified self-isolation for 7 consecutive days from their last exposure to the person who has been diagnosed with COVID-19;

(g) persons who have not been diagnosed with COVID-19 nor are identified as a household close contact or non-household close contact as set out in (a) to (f) but have symptoms consistent with COVID-19:

(i) must get tested immediately in accordance with Public Health Guidelines; and

(ii) must not cease self-quarantine unless they have received negative COVID-19 test result(s) in accordance with Public Health Guidelines, at which time they may exit self-quarantine.

3.1 Those persons required to self-quarantine or self-isolate in accordance with sections 3(a) to (g):

(a) must, during their period of self-quarantine or self-isolation, conduct themselves in such a manner as not to in any way expose any other person to infection or potential infection from COVID-19; and

(b) except persons subject to section 3(f), must remain in their residence or residence grounds and otherwise remove themselves from the presence of others in public while they may be infectious during the quarantine or isolation period, so that all precautions necessary to protect others are in place. Specifically, such persons must not enter any buildings, public transportation, or other enclosed spaces (other than their residence) where other people are present;

(c) must follow all infection control instructions given to them on the Government of Nova Scotia's website, at: <https://novascotia.ca/coronavirus/>, or given to them by Telehealth 811 staff, public health staff or any other staff of a healthcare facility to which they may seek or receive treatment; and

(d) after the mandatory period of self-quarantine or self-isolation period has lapsed, they may cease self-isolation or self-quarantine if they do not exhibit symptoms of COVID-19.

3.2 Notwithstanding:

(a) sections 3(a) to (g), persons who are required to self-isolate or self-quarantine may leave their residence to undergo COVID-19 testing as directed by a Medical Officer of Health; and

(b) sections 3(c) to (g), persons who are required to self-quarantine may leave their residence for 1 outing per day for outdoor exercise within walking/running distance of their home or isolation site for a maximum of 1 hour.

**PART III
PHYSICAL DISTANCING,
GATHERING RESTRICTIONS
AND
MASKS REQUIREMENTS**

4. Effective 12:01a.m. February 28, 2022, except where otherwise stated in this Order the physical distancing and gathering restrictions and mask requirements apply to all persons present and residing in Nova Scotia.

4.1 Persons, businesses and organizations are prohibited from:

- (a) organizing an illegal in-person gathering, including requesting, inciting, or inviting others to attend an illegal in-person gathering;
- (b) promoting an illegal in-person gathering via social media or otherwise; or
- (c) attending an illegal in-person gathering of any nature, whether indoors or outdoors.

4.2 All persons present and residing in Nova Scotia must maintain physical distancing of 2 metres (6 feet).

4.2.1 Notwithstanding section 4.2, universities, the Nova Scotia Community College (NSCC), private career colleges and registered language schools that cannot maintain 2 metres (6 feet) physical distancing must ensure maximum distancing is in place within the given physical space.

4.3 Notwithstanding section 4.2, persons may gather together for informal in-person gatherings indoors or outdoors with up to a maximum of 25 persons from:

- (a) their immediate family members residing in the same household, or
- (b) a close social group,

and they are not required to:

- (c) verify proof of vaccination;
- (d) practice physical distancing; or
- (e) wear a mask unless they are in a public place where masks are required in accordance with section 5.

4.4 Persons, business and organizations may host formal gatherings in-person or virtually, whether indoors or outdoors, while adhering to the following:

- (a) may host up to a maximum of 50% of legal capacity of the establishment indoors or outdoors;
- (b) must ensure all persons in attendance practice physical distancing and masking requirements set out in this Order;

(c) must have a COVID-19 Prevention Plan; and

(d) must adhere to the COVID-19 Advice For Events | Events Nova Scotia Guidelines established by the Department of Communities Culture, Tourism and Heritage (CCTH), located at: <https://events.novascotia.ca/covid-19-advice-for-events>.

4.5 Notwithstanding sections 4.3 and 4.4, persons, businesses and organizations that host the following:

(a) weddings (including receptions);

(b) funerals (including visitations and receptions); and

(c) regular faith services and drive-in or parking lot faith services,

whether indoors or outdoors, must adhere to the following:

(a) when informal weddings, funerals and informal faith gatherings are not hosted by a recognized business or organization (i.e., event planner, event venue), a maximum of 25 persons from the same household or close social group as set out in section 4.3, plus one officiant may attend in-person and in such informal gatherings, persons in attendance are not required to:

(i) practice physical distancing of 2 metres (6 feet); or

(ii) wear a mask except in indoor public places,

(b) when weddings, faith gatherings and funerals (including receptions and visitation) are hosted by an existing business or organization legally operating in Nova Scotia, then the business or organization may host up to 50% of legal capacity of the establishment in which the event or activity is held, and persons in attendance:

(i) must practice physical distancing of 2 metres (6 feet), except persons gathered in accordance with section 4.3; and

(ii) must practice masking requirements set out in section 5 unless exempt under section 5.3,

(c) performers are permitted while adhering to the following:

(i) must adhere to the gathering limits for arts and performances set out in section 4.8;

- (ii) must practice masking requirements set out in section 5 unless singing or playing a wind or brass instrument or exempt under section 5.3; and
 - (iii) must maintain 2 metres (6 feet) physical distance from the congregation while singing or playing a wind instrument,
- (d) choirs are permitted with recommended masking;
- (e) congregational singing is permitted with masking in accordance with section 5 unless exempt under section 5.3; and
- (f) if attending a drive-in or parking lot faith service, all persons in attendance must adhere to the following:
 - (i) the service is conducted over speakers or by remote radio broadcast;
 - (ii) there is no contact between cars and no transfer of things between cars;
 - (iii) participants remain in their respective vehicle while “attending” the service, unless accessing a washroom facility and while doing so, must adhering to protocol for gathering limits, physical distancing, and masking requirements set out in this Order;
 - (iv) participants practice physical distancing among vehicles, such that vehicles must be at least 2 metres (6 feet) apart from each other; and
 - (v) participants in the same car adhere to the gathering limits of sections 4.3(a) or (b).

4.6 Notwithstanding section 4.4, businesses and organizations hosting a ticketed formal event must adhere to the following:

- (a) may host up to a maximum of 50% of legal capacity of a venue:
- (b) if the venue has fixed or ticketed seating, ensure physical distancing between groups of spectators;
- (c) if the venue does not have fixed or ticketed seating, ensure physical distancing of 2 metres (6 feet) between groups of spectators;
- (d) must develop a plan in accordance with the COVID-19 Advice For Events | Events Nova Scotia Guidelines developed by CCTH, located at: <https://events.novascotia.ca/covid-19-advice-for-events>;

(e) must not serve food and beverages in stadium and theatre seating where masking by patrons is required at all times, but may serve food and beverages at events in designated areas;

(f) must ensure that patrons are seated when consuming food or beverages at events in designated areas, up to a maximum of 25 persons per table; and

(g) must ensure patrons wear a mask in accordance with section 5 except when consuming food or beverages at events in designated areas.

4.7 Notwithstanding sections 4.4 and 4.6, where an existing business or organization hosts a formal event at one of the following large venues:

(a) Centre 200;

(b) Scotiabank Centre;

(c) Wanderers Grounds;

(d) Riverside Speedway;

(e) Scotia Speedworld;

(f) Halifax Convention Centre; and

(g) Halifax Exhibition Centre,

the business or organization:

(a) may host up to 50% of the legal capacity of the establishment or facility up to a maximum of 3000 persons with as much physical distancing as possible, whether the activity is held indoors or outdoors:

(b) adhere to the requirements set out in section 4.6(b) to (g).

4.8 Notwithstanding sections 4.4, players, participants, and officials:

(a) may engage in organized sport practice, training and regular league games (recreational, amateur, and professional) up to a maximum single group of 60 participants indoors or outdoors (including staff and officials) without physical distancing, with masking recommended where physical distancing of 2 metres (6 feet) cannot be maintained; and

(b) may engage in organized arts and culture (amateur and professional) rehearsals, performances and regular competitions, up to a maximum single group of 60 participants indoors or outdoors (including staff and officials) without physical distancing. Masking is recommended for performers where they

cannot maintain physical distancing of 2 metres (6 feet). Singing and performance involving wind or brass instruments is permitted without masking, as long as physical distancing is maintained from the audience while performing,

but

(c) may not engage in sports (recreational, amateur, and professional), or arts and culture (amateur and professional) in-person tournaments.

4.8.1 Spectators are permitted to attend organized sport practice, training and regular league games (recreational, amateur, and professional), and organized arts and culture rehearsals, performances and regular competitions (amateur and professional) while adhering to the formal gathering limits set out in section 4.4 and the host business's or organization's event guidelines.

4.9 Recognized businesses and organizations:

(a) may host day camps, indoors or outdoors, while adhering to the following:

(i) up to a maximum of 30 persons per group (including staff and volunteers) without distancing, or in multiple groups of 30 persons with physical distancing between groups; and

(ii) masking requirements set out in section 5, unless exempt in accordance with section 5.3.

4.10 Before and after school programs may operate, while adhering to the following:

(a) up to a maximum of 30 persons per group (including staff and volunteers), without distancing, or in multiple groups of 30 persons with physical distancing between groups;

(b) masking requirements set out in section 5, unless exempt in accordance with section 5.3; and

(c) must follow Public Health Guidance for school settings, located at: <http://backtoschool.ednet.ns.ca/public-health-guidance>.

4.11 For greater clarity:

(a) provincial and municipal governments;

(b) private businesses and organizations;

(c) first responder organizations;

(d) organized clubs; and

(e) mental health and addictions support group meetings,

may host meetings and training:

(a) up to 50% of legal capacity of the establishment in which the meeting or training is held; and

(b) all persons in attendance must adhere to the physical distancing requirements set out in section 4.2 and the masking requirements set out in section 5 unless exempt under section 5.3.

4.12 Any person, business or organization that hosts a formal gathering authorized by sections 4.4 to 4.11 is responsible for maintaining oversight of the gathering and for ensuring that all persons in attendance comply with the requirements of this Order.

4.13 Notwithstanding section 4.11, the physical distancing requirements set out in section 4.2 and the person limit rule set out in section 4.3 does not apply to the following municipal, provincial and federal entities and their contractors when carrying out their work duties:

(a) First responders, including police and fire services;

(b) Compliance and Building Officials;

(c) Officials engaged in Housing and Homelessness initiatives;

(d) Parks and Recreation staff;

(e) Road Maintenance and Repair;

(f) Government building construction and/or repair;

(g) Public Works; and

(h) Enforcement or compliance officers authorized by their statutory appointments or delegated authority to inspect, investigate and/or enforce provincial legislation while carrying out their powers pursuant to the relevant statutory authority.

4.14 Notwithstanding section 4.11 the physical distancing requirements set out in section 4.2 and the person limit rule set out in section 4.3 does not apply to the following organizations, activities, persons, or places:

- (a) hospitals as defined in the *Hospitals Act* and a health authority as defined in the *Health Authorities Act*;
- (b) profit, not-for-profit or government operated Department of Community Services funded organizations or representatives that are covered under the *Homes for Special Care Act* and the *Children and Family Services Act* including places of safety for children and youth, and customized placements for persons with disabilities;
- (c) profit or not-for-profit Department of Seniors and Long term Care funded long-term care facilities licensed under the *Homes for Special Care Act* or home care agencies funded under the *Homemaker Services Act*;
- (d) persons providing care under the self-managed care program, supportive care program, caregiver benefit program funded by the province of Nova Scotia;
- (e) persons providing support under the Independent Living Support, Supported Apartment and Supervised Apartment Programs funded by the Department of Community Services;
- (f) homeless shelters receiving operational grants from the Department of Municipal Affairs and Housing, and those operated by religious and other voluntary organizations;
- (g) unlicensed child-care facilities;
- (h) a place designated or established under the authority of the *Correctional Services Act* or the *Youth Criminal Justice Act (Canada)* for the supervision or custody of offenders and includes community-based correctional services;
- (i) any administrative tribunal, arbitration proceeding or court operating essential services in the Province under the authority of any provincial or federal enactment, including but not limited to, a justice centre or courthouse under the authority of the *Judicature Act* or a provincial court under the authority of the *Provincial Court Act* or the *Family Court Act*;
- (ia) notwithstanding clause (i), the Labour Board must still comply with section 4.2 when conducting a vote under the *Trade Union Act*.
- (j) Emergency Medical Care Incorporated;
- (k) persons providing, servicing or repairing medical equipment, such as wheelchairs, red cross beds/equipment, home oxygen equipment;
- (l) private not-for-profit community transportation providers;

(m) food production plants; and

(n) fishing vessels.

5. All persons must wear a mask that covers their nose and mouth:

(a) while present in a public place; and

(b) while travelling on vehicles providing transportation to the public.

5.1 Persons, businesses and organizations must ensure that each person who enters the person's, business's or organization's premises adheres to the masking requirements set out in section 5 while the person is on the person's, business's or organization's premises, unless the person is exempt in accordance with section 5.3.

5.2 For greater certainty,

(a) a person attending an event that has stadium or theatre seating must wear a mask in accordance with section 5 except when consuming food or beverages in designated areas and may only consume food or beverages when seated in designated areas of the establishment or venue;

(b) a person must wear a mask while in a food establishment or liquor licensed establishment in accordance with section 5 except when consuming food or beverages, and must be seated while consuming food or beverages in the food establishment or liquor licensed establishment; and

(c) the owner or operator of a food establishment or liquor licensed establishment must ensure that patrons wear a mask in accordance with section 5 except when consuming food or beverages and must further ensure that patrons are seated when consuming food or beverages in the food establishment or liquor licensed establishment.

5.3 Notwithstanding sections 5(a), 5.1 and 5.2, a person is exempt from the requirement to wear a mask in a public place if the person:

(a) is less than 2 years of age or age 2 to 4 years and their caregiver cannot persuade them to wear a mask;

(b) for whom the wearing of a mask is not possible because of the person's medical condition;

(c) is reasonably accommodated by not wearing a mask in accordance with the *Nova Scotia Human Rights Act*;

(d) is in the public place receiving care or being provided a service or while participating in a physical or other activity requiring the mask be removed, in which case the person may remove the mask for the duration of the care, service or activity;

(e) removes the mask momentarily for identification or ceremonial purposes;

(f) is in a courtroom, jury room or secured area in a courthouse, or room where a proceeding or meeting of an administrative tribunal established by legislation is being held;

(g) is an officiant or performer in the course of performing activities requiring vocalization such as talking, singing or playing a wind instrument at the event or activity; or

(h) is a child who is only attending a childcare centre, but does not include a child who is attending both a childcare centre and school.

5.4 Notwithstanding section 5(b),

(a) the following persons are exempt from the requirement to wear a mask while travelling on vehicles providing transportation to the public:

(i) a person is less than 2 years of age or age 2 to 4 years and their caregiver cannot persuade them to wear a mask;

(ii) a person for whom the wearing of a mask is not possible because of the person's medical condition;

(iii) a person who is reasonably accommodated by not wearing a mask in accordance with the *Nova Scotia Human Rights Act*; and

(b) a person may remove the mask momentarily for identification purposes when boarding any public transit.

5.5 For greater certainty, the requirement to wear a mask, as set in sections 5(a) and (b), is the minimum standard that persons, businesses and organizations must adhere to, and where the business's or organization's plan approved in accordance with section 7.3 of this Order imposes a greater standard, then that standard applies.

5.6 Directors, caregivers, staff and visitors of childcare facilities and family childcare homes regulated under the *Early Learning and Child Care Act* must wear a mask unless subject to one of the exemptions as set out in section 5.3.

5.7 Health care setting employers and health care workers employed in a health care setting must adhere to the COVID-19 Protocol for Additional Precautions for SARS-CoV-2 in Health Care Settings, located at:

<https://novascotia.ca/coronavirus/docs/COVID-19-Protocol-for-Healthcare-Settings-Additional-Precautions.pdf>.

PART IV LONG TERM CARE FACILITIES AND OTHER VULNERABLE POPULATIONS

6. Effective 12:01a.m. February 28, 2022, except where otherwise stated in this Order, the restrictions on long term care facilities and other vulnerable populations apply to all persons present and residing in Nova Scotia.

6.1 All long term care facilities licensed by the Minister of Seniors and Long Term Care under the *Homes for Special Care Act* must comply with Schedule “A” “COVID-19 Management Long Term Care Facilities Directive Under the Authority of the Chief Medical Officer of Health”, dated October 4, 2021, as amended from time to time and located at:

<https://novascotia.ca/dhw/ccs/documents/COVID-19-Management-in-Long-Term-Care-Facilities-Directive.pdf>;

6.2 All long term care facilities licensed by the Minister of Seniors and Long Term Care under the *Homes for Special Care Act* may be open to volunteers and 2 fully vaccinated visitors, in accordance with the terms and conditions set out in Schedule “A”, “COVID-19 Management Long Term Care Facilities Directive Under the Authority of the Chief Medical Officer of Health”, dated October 4, 2021, as amended from time to time and located at: <https://novascotia.ca/dhw/ccs/documents/COVID-19-Management-in-Long-Term-Care-Facilities-Directive.pdf>.

6.2.1 Visitors to residents of long term care facilities licensed by the Minister of Seniors and Long Term Care under the *Homes for Special Care Act* must practice physical distancing set out in section 4.2, except for initial greeting with the resident, and must wear a mask and be fully vaccinated in accordance with the COVID-19 Mandatory Vaccination Protocol for High-Risk Settings (the “Protocol”), located at:

<https://novascotia.ca/coronavirus/docs/COVID-19-Protocol-for-mandatory-vaccination-high-risk-settings-en.pdf>.

6.2.2 Except for medical appointments, all residents in homes licensed by the Minister of Seniors and Long Term Care are not permitted to have community access in accordance with the terms and conditions set out in Schedule “A”, “COVID-19 Management Long Term Care Facilities Directive Under the Authority of the Chief Medical Officer of Health”, dated October 4, 2021, as amended from time to time and

located at: <https://novascotia.ca/dhw/ccs/documents/COVID-19-Management-in-Long-Term-Care-Facilities-Directive.pdf>

6.2.3 Notwithstanding sections 6.2.2, all residents in homes licensed by the Minister of Seniors and Long Term Care may:

- (a) participate in drives by a designated caregiver or visitor; or
- (b) participate in bus rides in facility-owned vehicles,

but such outings must not include contact with other persons from outside the facility.

6.2.4 All long term care facilities licensed by the Minister of Seniors and Long Term Care under the *Homes for Special Care Act* are open to outside service providers for recreational activities and personal services for residents who either are fully vaccinated, or are eligible and have received a vaccine booster dose.

6.2.5 All residents in homes licensed by the Minister of Seniors and Long Term Care under the *Homes for Special Care Act* may attend faith services in the facility while adhering to the following:

- (a) requirements set out in section 4.5; and
- (b) residents/attendees must practice physical distancing of 2 metres (6 feet), except persons gathered in accordance with section 4.3 and practice masking requirements set out in section 5 unless exempt under section 5.3.

6.3 All residents in homes licensed by the Minister of Community Services under the *Homes for Special Care Act* are open to 2 fully vaccinated visitors in accordance with the terms and conditions set out in the “Covid 19 Management in DSP Licensed Homes-Guidelines” as amended from time to time.

6.3.1 Except for foster homes, all child caring facilities licensed, approved or operated by the Minister of Community Services under the *Children and Family Services Act* may be open to 2 fully vaccinated visitors in accordance with the terms and conditions set out in the “Coronavirus (COVID) Child Welfare Practice Guidelines” as amended from time to time.

6.3.2 Visitors to residents of homes licensed by the Minister of Community Services under the *Homes for Special Care Act* must practice physical distancing set out in section 4.2, except for initial greeting with the resident, and must wear a mask and be fully vaccinated in accordance with the COVID-19 Mandatory Vaccination Protocol for High-Risk Settings (the “Protocol”), located at:

<https://novascotia.ca/coronavirus/docs/COVID-19-Protocol-for-mandatory-vaccination-high-risk-settings-en.pdf>.

6.3.3 Except for foster homes, visitors of all child caring facilities licensed, approved or operated by the Minister of Community Services under the *Children and Family Services Act* must practice physical distancing set out in section 4.2, except for initial greeting with the resident, and must wear a mask and be fully vaccinated in accordance with the COVID-19 Mandatory Vaccination Protocol for High-Risk Settings (the “Protocol”), located at: <https://novascotia.ca/coronavirus/docs/COVID-19-Protocol-for-mandatory-vaccination-high-risk-settings-en.pdf>.

6.3.4 All residents in homes licensed by the Minister of Community Services under the *Homes for Special Care Act* are permitted to have community access as long as they comply with all general public health measures required under this Order.

6.3.5 All Adult Day Programs are open.

6.4 For greater clarity, nothing in this Order prevents the:

- (a) discharge of a COVID-19 patient from a hospital to a long-term care or residential care facility;
- (b) transfer of a COVID-19 patient from community to a long-term care or residential care facility; or
- (c) return of a COVID-19 patient who has left a long-term care or residential care facility for healthcare services back to that facility after receiving treatment at a hospital.

6.5 Employers and operators in high risk settings, as well as employees, outside service providers, volunteers, visitors and designated care givers therein must adhere to the COVID-19 Mandatory Vaccination Protocol for High-Risk Settings (the “Protocol”), located at: <https://novascotia.ca/coronavirus/docs/COVID-19-Protocol-for-mandatory-vaccination-high-risk-settings-en.pdf>, and employers and operators must:

- (a) verify proof of full vaccination from each employee, outside service provider, volunteer, visitor and designated care giver in accordance with the Protocol unless they have been granted an exception in accordance with the Protocol;
- (b) only retain information collected under subsection (a) until the termination of this Order; and
- (c) only use the information collected under (a) for the purpose of confirming that the employee, outside service provider, volunteer, visitor and designated care giver is fully vaccinated in accordance with the Protocol.

PART V
BUSINESSES, ORGANIZATIONS AND PROFESSIONS

7. Effective 12:01a.m. February 28, 2022, except where otherwise stated in this Order, the restrictions on businesses, organizations and professions apply to all established businesses, organizations and professions carrying on business and operating in Nova Scotia.

7.1 The *Occupational Health and Safety Act*, 1996, c.7, s.1, is hereby incorporated by reference and must be followed by all employers, contractors, constructors, suppliers, owners and employees and each shall take every precaution that is reasonable in the circumstances to ensure the health and safety of all persons at or near a workplace.

7.2. Subject to limitations directed elsewhere in this Order, all not-for-profit and for-profit businesses and organizations operating or carrying on business in Nova Scotia may operate at maximum capacity but must implement physical distancing of 2 metres (6 feet) within all workplaces and meeting spaces except where otherwise provided in this Order.

7.2.2 Any not-for-profit or for-profit business or organization carrying on business in Nova Scotia that cannot maintain the physical distancing requirements set out in section 4.2 of this Order must limit the number of customers or clients on its premises to no more than 25 persons at a time.

7.3 All not for-profit, for-profit businesses, organizations and professions named shall, as a requirement of their ongoing operations, develop and comply with a Workplace COVID-19 Prevention Plan, as amended from time to time, and this Plan must address the following:

- (a) how to work and interact with customers or clients;
- (b) cleaning;
- (c) equipment;
- (d) preparing employees to return to work;
- (e) preparing for customers or clients;
- (f) monitoring and communicating of plan; and
- (g) physical distancing in the workplace.

for similar businesses or health professionals and must be made available for review by the Chief Medical Officer of Health.

7.4 All businesses or regulated health professionals that are a member of an association may adopt their association's Workplace COVID-19 Prevention Plan or their own, which must be made available for review by the Chief Medical Officer of Health.

7.5 In the case of conflict between a Workplace COVID-19 Prevention Plan and this Order, the more stringent provision applies.

7.6 Regulated and unregulated health professionals practicing may continue to practice and provide services within their scope of practice if they have a Workplace COVID-19 Prevention Plan.

7.7 No person, business or organization may produce, possess, sell, or distribute fraudulent proof of vaccination.

7.8 Food establishments and liquor licensed establishments may provide in-person dining while adhering to the following:

(a) all food establishments may offer in-person dining to 75% of full legal capacity of the food establishment provided the operator:

(i) ensures no group of patrons shall have more than 25 persons at a Table;

(ii) maintains a minimum physical distance of 2 metres (6 feet) between tables as much as possible;

(iii) ensures patrons wear masks except when consuming food or beverages, and are seated while consuming food or beverages in accordance with sections 5.1 and 5.2;

(iv) ensures staff (servers and kitchen) wear masks while carrying out their work duties;

(v) ceases in-person dining service to customers effective 12:00a.m.; and

(vi) closes to in-person dining customers by 1:00a.m., but may continue take-out, drive-thru and delivery after 1:00a.m.,

and

(b) all liquor licensed establishments, including liquor manufacturers (as defined in the *Liquor Control Act*) may offer in-person dining to 75% of full legal capacity of food establishment provided the licensee:

(i) ensures no group of patrons have more than 25 persons per table;

(ii) maintains a minimum physical distance of 2 metres (6 feet) between tables as much as possible;

(iii) ensures patrons comply with the physical distancing requirements set out in section 4.2;

(iv) ensures patrons wear masks except when consuming food or beverages, and are seated while consuming food or beverages in accordance with sections 5.1 and 5.2;

(v) ensures staff (servers and kitchen) wear masks while carrying out their work duties;

(vi) ceases in-person dining service to customers effective 12:00a.m.; and

(vii) closes to in-person dining customers by 1:00a.m., but may continue take-out, drive-thru and delivery after 1:00a.m.

7.8.1 Notwithstanding other provisions of this Order, food establishments, liquor licensed establishments, liquor boutiques, distilleries, breweries, and wineries may have artists or musicians (professional or amateur) perform and the artists and musicians must adhere to the gathering limits for arts and performances set out in section 4.8.

7.8.2 Liquor boutiques, distilleries, breweries, and wineries:

(a) may operate at maximum of capacity for retail purchase and sale for offsite consumption;

(b) may offer in-person tastings and samplings in accordance with their approved Workplace COVID-19 Prevention Plan set out in section 7.3, and in adherence to section 5.2; and

(c) may offer in-person dining in accordance with section 7.8(a).

7.8.3 Owner/operators of liquor licensed establishments and non-liquor licensed establishments, including community centres, charities, or organized clubs, may host activities such as darts, pool, cards, bowling and karaoke and in doing so, must adhere to requirements of the hosting establishment.

7.8.4 Owner/operators of liquor licensed establishments may host bingo and in doing so, must adhere to requirements of the hosting establishment. Owner/operators of non-licensed establishments that regularly hold bingo may continue to host this activity while adhering to the same requirements as liquor licensed establishments.

7.9 All not-for-profit and for-profit fitness facilities such as gyms and yoga studios, sport and recreational facilities such as arenas, tennis courts, and large multipurpose recreation facilities may:

(a) operate at 75% indoor capacity, while ensuring 2 metres (6 feet) distance between instructors and participants of fitness classes, except those participants residing in the same household as set out in section 4.3(a) or participants in social groups of 25 as set out in section 4.3(b); and

(b) offer personal training and lessons on a one to one person ratio for instructor and participant, while maintaining physical distance where possible;

(c) ensure participants adhere to the masking requirements set out in section 5, except where the activity makes it impracticable to wear a mask.

7.10 Businesses and organizations that offer indoor recreation and leisure activities such as indoor play areas, arcades, climbing facilities, dance classes and music lessons at may operate at 75% capacity that can be achieved while adhering to the public health requirements set out in this Order, including but not limited to the physical distancing requirements set out in section 4.2 and the masking requirements set out in section 5, except during an activity that makes it is impracticable to wear a mask.

7.10.1 All not-for-profit and for-profit fitness facilities, recreation and leisure businesses, and organized clubs may host lessons for recreational activities or offer personal training, provided that:

(a) lessons or training are held on a one to one person ratio for instructor and participant, while maintaining physical distancing where possible,

but

(b) the instructor and participant must wear a mask in accordance with Section 5, except during an activity that makes it impracticable to wear a mask.

7.10.2 Movie theatres may operate at 50% capacity while adhering to the provisions of this Order, including ensuring that patrons practice the physical distancing and masking requirements set out in sections 4.2, 4.6 and 5, as well as be seated in a designated area while consuming food or beverages outside the room in which the movie is being viewed in accordance with section 5.2.

7.11 The Art Gallery of Nova Scotia and all museums and public libraries may at 75% capacity that can be achieved while adhering to the public health requirements set out in this Order, including but not limited to the physical distancing requirements set out in section 4.2 and the masking requirements set out in section 5.

7.12 Casino Nova Scotia (Halifax and Sydney locations) and Video Lottery Terminals (VLTs) operators, including First Nation Gaming facilities, may operate at 75% facility capacity while adhering to the following:

(a) ensure that patrons adhere to the requirements of this Order, including physical distancing of 2 metres (6 feet) while participating in gaming activities and physical distancing as much as possible when consuming food or

beverages, as well as masking requirements set out in sections 4.2 and section 5;

(b) their approved Workplace COVID-19 Prevention Plan in accordance with section 7.3;

(c) cease food and beverage service to customers effective 12:00a.m., but may offer take-out; and

(d) except as provided in (c), close by 1:00a.m. to in-person services, including gambling, and remain closed for a minimum of 8 consecutive hours.

7.13 A retail business that engages in the retail sale, or rental, of items to the public may operate at maximum capacity while adhering to the public health requirements set out in this Order, including but not limited to compliance with the following conditions:

(a) in accordance with section 4.2, members of the public must be able to maintain a physical distance of at least 2 metres (6 feet) from every other person in the place of business, except those patrons residing in the same household as set out in section 4.3(a) or patrons in social groups of 25 as set out in section 4.3(b); and

(b) in accordance with section 5, members of the public wear a mask, unless they are entitled to any of the exceptions set out in section 5.3.

8. Shopping malls shall comply with the following conditions:

(a) in accordance with section 4.2, members of the public must be able to maintain a physical distance of at least 2 metres (6 feet) from every other person in the shopping mall, except those patrons residing in the same household as set out in section 4.3(a) or patrons in social groups of 25 as set out in section 4.3(b);

(b) patrons must wearing a mask in accordance with section 5, unless exempt under section 5.3;

(c) food courts may open while adhering to the following:

(i) food court vendors may provide services to persons who work in the mall and the public up to a maximum capacity of 75% of the food court;

(ii) tables in food courts may be used by persons who work in the mall and the public;

(iii) a minimum of 2 metres (6 feet) is maintained between patrons seated at food court tables and between other patrons in the food court;

and

(iv) patrons must wear a mask in accordance with section 5, except when consuming food or beverage.

9. All personal service establishments such as hair salons, barber shops, spas, nail salons and body art establishments may remain open for provision of personal services, while operating within their approved Workplace COVID-19 Prevention Plan in accordance section 7.3.

PART VI EXCEPTIONS

10. Under exceptional circumstances and under the authority granted to me as the Chief Medical Officer of Health under Part I of the *Health Protection Act*, I may exercise discretion to grant an exception to any term and condition of this Order.

PART VII PENALTIES

11. Any direction provided by a medical officer of health to a person, business, organization or other entity pertaining to COVID-19 and the terms and conditions of this Order must be followed.

12. Failure to comply with this health protection order may be considered a breach of this Order issued under the *Health Protection Act* and may result in penalties under the *Act*.

13. For greater clarity, any corporation or individual member of a business or organization may be held responsible for the business's or organization's breach of a provision of this Order.

This Order remains in effect until notice is provided by myself, as Chief Medical Officer of Health, under the authority granted under Part I of the *Health Protection Act* and will be updated from time to time.

Signed:

Dr. Robert Strang
Chief Medical Officer of Health
Nova Scotia Department of Health and Wellness

cc The Honourable Tim Houston, Premier of Nova Scotia
 Laura Lee Langley, Deputy to the Premier and Clerk of Executive Council
 Michelle Thompson, Minister of Health and Wellness
 Jeannine Lagassé, Deputy Minister of Health and Wellness
 Dr. Shelley Deeks, Deputy Chief Medical Officer of Health
 Tina M. Hall, Legal Counsel, Nova Scotia Dept. of Justice